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EXAMINER

MA, JOHNNY

ART UNIT PAPER NUMBER

2617

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/652,261	HARRIS, FREDERICK B.	
	Examiner	Art Unit	
	Johnny Ma	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-23 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-3, 6-7, 10, 11, 14, 16-18, and 20-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dunn (US 6,668,377 B1 of record) in further view of Turner (US 2002/0059608 A1) and Zahorjan et al. (US 6,859,839 of record).

As to claim 1, note the Dunn reference that discloses a system for previewing video trailers. The claimed "broadcasting a plurality of modules from a server to a plurality of client device" is met by the transmission of a plurality of previews to users (Dunn 12:41-51). The claimed "wherein said plurality of modules are not broadcast responsive to a client request" is met by "[w]hen the STB tunes to the VOD channel, a continuous loop of 'new releases' trailers are immediately displayed" (Dunn 6:58-65). The claimed "sending search criteria from a client device of the plurality of client devices to the server" is met by "[i]f the viewer wishes to select a new group of programs, the viewer can actuate the 'choices' button 78 to pull up various lists of criteria (e.g., star name, title, viewer list, etc.) From the one or more lists, the viewer actively specifies a criteria to select a group of programs (step 222). The criteria is transmitted

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from the STB to the headend (step 224)” (Dunn 12:24-30) wherein ‘choices’ also includes new releases (Dunn 7:23-25). The claimed “subsequent to said broadcasting” is met by the new releases trailers broadcasted and displayed to the user prior to the selection of criteria to be transmitted from the STB to the headend at step 224 (Dunn 12:22-30). Although the Dunn reference discloses specifying criteria for a search (Dunn 12:22-30) the selectable criteria including star name, category type, etc.; the Dunn reference is silent as to whether multiple criteria can be chosen to facilitate searching, searching for modules that are not broadcast responsive to user request. Now note the Turner reference that discloses a television system wherein “[t]he user’s query is sent to a server 8 located at broadcast station 6... The server 8 then searches EPG and/or closed caption databases 12 and 14 respectively for matches to the determined criteria” (Turner [0026]), the query may comprise multiple criteria and “the information returned may include... the channel on which the programme is to be shown” (Turner [0028]). Therefore, the examiner submits that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Dunn search criteria including new releases with the Turner multiple search criteria for the purpose of providing a more closely tailored search so that programs of interest may be quickly identified, such as narrowing a search of the new releases to identify new releases of a certain genre or with specific stars. However, the Dunn reference does not specifically disclose wherein previews comprising associated module numbers to facilitate retrieval. Now note the Zahorjan et al. reference that discloses bandwidth reduction of on-demand streaming data using flexible merger hierarchies. The claimed “at least one of said modules having an associated module number” is met by stream numbers associated with data transmissions (Zahorjan 8:6-11, also see Figure 4. The

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Zahorjan et al. reference also discloses receiving a request at the server and identifying a qualifying module number which corresponds to the search criteria wherein “[b]ecause, a previous request for the same program is being concurrently processed at process block 64, and may be caught, the second request is placed in hierarchy 100 of FIG. 8a with the first request” (Zahorjan 7:49-52) “...a control message is sent to receiver 30’ (received as indicated by process block 67 of FIG. 7) specifying the streams 80 and 82 that receiver 30’ should listen to” (Zahorjan 8:8-11). The claimed “sending the qualifying module number to the client device” is met by “...a control message is sent to receiver 30’ (received as indicated by process block 67 of FIG. 7) specifying the streams 80 and 82 that receiver 30’ should listen to” (Zahorjan 8:8-11). The claimed “retrieving a first module of said modules at the client device, in response to matching the received qualifying module number to said first module” and “receiving the qualifying module number at the client device” is met by “...a control message is sent to receiver 30’ (received as indicated by process block 67 of FIG. 7) specifying the streams 80 and 82 that receiver 30’ should listen to” (Zahorjan 8:8-11) and “the receiver responds 30’ to this control message by listening to the data streams 80 and 82 and recording some part of them per process block 69” (Zahorjan 8:8-11). Therefore, the examiner submits that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Dunn and Turner combination teaching the searching of modules not are not broadcast responsive to a receiving station request such as searching for certain criteria within new releases and the presentation of previews with the Zahorjan et al. identification of data streams [modules] for stream tapping for the purpose of conserving bandwidth while providing preview services to system users. Note the claimed “receiving the search criteria at the server and identifying a

qualifying module number which corresponds to the search criteria” is met by the Dunn, Turner, and Zahorjan et al. combination as discussed above wherein a user submits a search to a user and the server identifies a data stream [module] which corresponds to the search criteria for stream tapping.

As to claim 2, the claimed “further comprising displaying information corresponding to the first module on a display associated with said client device” is met by “the previews of the requested set of programs are displayed on the TV set” (Dunn 12:46-47).

As to claim 3, the claimed “a viewer generating a video request based upon said displayed information” and “sending said video request to said server” is met by “[o]nce the viewer settles on a particular program and orders it (i.e., the ‘yes’ branch from step 240), the STB transmits the program moniker to the headend (step 242)” (Dunn 13:3-5). The claimed “said video being associated with said first module” is met by the Dunn and Zahorjan et al. combination as discussed in the rejection of claim 1 wherein the requested program is associated with the previews (Dunn 12:66-13:10). The claimed “sending a video corresponding to said video request from the server to the client device” is met by “[t]he CMS database is accessed using the moniker to retrieve the full length video content program (step 244), which is then transmitted back to the STB” (Dunn 13:6-8).

As to claim 6, the Dunn and Zahorjan et al. combination teaches providing video on demand. However, the Dunn and Zahorjan et al. combination reference is silent as to transmitting the content until an acknowledgement of receipt is received by the server. Nevertheless, the examiner gives Official Notice that it is notoriously well known in the art to transmit data until an acknowledgement of data receipt by a receiver in a data communications

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network for the purpose of ensuring that data is transmitted and received by a receiver.

Therefore, the examiner submits that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Dunn and Zahorjan et al. combination transmission of selected content to a user accordingly for the above stated advantages.

As to claim 7, the claimed “further comprising continuously sending said video from the server for a predetermined period of time” is met by “[t]he CMS database is accessed using the moniker to retrieve the full length video content program (step 244), which is then transmitted back to the STB” (Dunn 13:6-8), wherein the video content program is inherently sent for a predetermined period of time in order for a receiver to receive such information from the server.

As to claim 10, note the Dunn reference that discloses a system for previewing video trailers. The claimed “server configured to broadcast a plurality of modules to a plurality of receiving stations” is met by the transmission of a plurality of previews to users (Dunn 12:41-51). The claimed “wherein said plurality of modules are not broadcast responsive to a receiving station” is met by set top box receiving transmitted previews (Dunn 12:43-51). The claimed “wherein said plurality of modules are not broadcast responsive to a client request” is met by “[w]hen the STB tunes to the VOD channel, a continuous loop of ‘new releases’ trailers are immediately displayed” (Dunn 6:58-65). The claimed “wherein said receiving station is configured to: display a selection menu; receive search criteria from a user; and send said search criteria to the server” is met by “[i]f the viewer wishes to select a new group of programs, the viewer can actuate the ‘choices’ button 78 to pull up various lists of criteria (e.g., star name, title, viewer list, etc.). From the one or more lists, the viewer actively specifies a criteria to select a group of programs (step 222). The criteria is transmitted from the STB to the headend (step

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224)” (Dunn 12:24-30) wherein criteria also includes new releases (Dunn 7:23-25). The claimed “subsequent to the server broadcasting said modules” is met by the new releases trailers broadcasted and displayed to the user prior to the selection of criteria to be transmitted from the STB to the headend at step 224 (Dunn 12:22-30). The claimed “wherein said server is further configured to receive the search criteria” is met by “[t]he criteria is transmitted from the STB to the headend (step 224). At the headend, a search of the SQL database is conducted to locate program records which meet the search criteria (step 226)” (Dunn 12:28-33). Although the Dunn reference discloses specifying criteria for a search (Dunn 12:22-30) the selectable criteria including star name, category type, etc.; the Dunn reference is silent as to whether multiple criteria can be chosen to facilitate searching, such as searching for new releases, searching for modules that are not broadcast responsive to user request. Now note the Turner reference that discloses a television system wherein “[t]he user’s query is sent to a server 8 located at broadcast station 6... The server 8 then searches EPG and/or closed caption databases 12 and 14 respectively for matches to the determined criteria” (Turner [0026]), the query may comprise multiple criteria and “the information returned may include...the channel on which the programme is to be shown” (Turner [0028]). Therefore, the examiner submits that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Dunn search criteria including new releases with the Turner multiple search criteria for the purpose of providing a more closely tailored search so that programs of interest may be quickly identified, such as narrowing a search of the new releases to identify new releases of a certain genre or with specific stars. However, the Dunn reference does not specifically disclose wherein previews comprising associated module numbers to facilitate retrieval. Now note the Zahorjan et

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al. reference that discloses bandwidth reduction of on-demand streaming data using flexible merger hierarchies. The claimed “at least one of said modules having an associated module number” is met by stream numbers associated with data transmissions (Zahorjan 8:6-11, also see Figure 4. The Zahorjan et al. reference also discloses receiving a request at the server and identifying a qualifying module number which corresponds to the search criteria wherein “[b]ecause, a previous request for the same program is being concurrently processed at process block 64, and may be caught, the second request is placed in hierarchy 100 of FIG. 8a with the first request” (Zahorjan 7:49-52) “...a control message is sent to receiver 30’ (received as indicated by process block 67 of FIG. 7) specifying the streams 80 and 82 that receiver 30’ should listen to” (Zahorjan 8:8-11). The claimed “and send the qualifying module number to the client device” is met by “...a control message is sent to receiver 30’ (received as indicated by process block 67 of FIG. 7) specifying the streams 80 and 82 that receiver 30’ should listen to” (Zahorjan 8:8-11). The claimed wherein said receiving station is further configured to “receive the qualifying module number at the client device; and retrieve a first module of said modules, in response to matching the received qualifying module number to said first module” is met by “...a control message is sent to receiver 30’ (received as indicated by process block 67 of FIG. 7) specifying the streams 80 and 82 that receiver 30’ should listen to” (Zahorjan 8:8-11) and “the receiver responds 30’ to this control message by listening to the data streams 80 and 82 and recording some part of them per process block 69” (Zahorjan 8:8-11). Therefore, the examiner submits that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Dunn and Turner combination teaching the searching of modules that are not broadcast response to a receiving station request and presentation of

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previews with the Zahorjan et al. identification of data streams [modules] for stream tapping for the purpose of conserving bandwidth while providing preview services to system users. Note the claimed “identify a qualifying module number corresponding to the search criteria” is met by the Dunn, Turner, and Zahorjan et al. combination as discussed above wherein a user submits a search to a user and the server identifies a data stream [module] which corresponds to the search criteria for stream tapping.

As to claim 11, the claimed “display information corresponding to the first module on a display associated with said client device” is met by “the previews of the requested set of programs are displayed on the TV set” (Dunn 12:46-47). The claimed “a viewer generating a video request based upon said displayed information” and “send said video request to said server” is met by “[o]nce the viewer settles on a particular program and orders it (i.e., the ‘yes’ branch from step 240), the STB transmits the program moniker to the headend (step 242)” (Dunn 13:3-5). The claimed “receive a video corresponding to said video request from the sever, is response to said request” is met by upon user request “[t]he CMS database is accessed using the moniker to retrieve the full length video content program (step 244), which is then transmitted back to the STB” (Dunn 13:6-8).

As to claim 14, the Dunn and Zahorjan et al. combination teaches providing video on demand. However, the Dunn and Zahorjan et al. combination reference is silent as to transmitting the content until an acknowledgement of receipt is received by the server. Nevertheless, the examiner gives Official Notice that it is notoriously well known in the art to transmit data until an acknowledgement of data receipt by a receiver in a data communications network for the purpose of ensuring that data is transmitted and received by a receiver.

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Therefore, the examiner submits that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Dunn and Zahorjan et al. combination transmission of selected content to a user accordingly for the above stated advantages.

As to claim 16, note the Dunn reference that discloses a system for previewing video trailers. The claimed “circuitry configured to receive a broadcast signal comprising a plurality of modules” is met by the transmission of a plurality of previews to users (Dunn 12:41-51) wherein set top box receives the transmitted previews (Dunn 12:43-51). The claimed “said plurality of modules are not being broadcast responsive to a request from a receiving station” is met by “[w]hen the STB tunes to the VOD channel, a continuous loop of ‘new releases’ trailers are immediately displayed” (Dunn 6:58-65). The claimed “processing circuitry configured to: receive search criteria from a user; send said search criteria to a server” is met by through set top box, “[i]f the viewer wishes to select a new group of programs, the viewer can actuate the ‘choices’ button 78 to pull up various lists of criteria (e.g., star name, title, viewer list, etc.). From the one or more lists, the viewer actively specifies a criteria to select a group of programs (step 222). The criteria is transmitted from the STB to the headend (step 224)” (Dunn 12:24-30) wherein criteria also includes new releases (Dunn 7:23-25). The claimed “subsequent to the broadcast of said modules” is met by the new releases trailers broadcasted and displayed to the user prior to the selection of criteria to be transmitted from the STB to the headend at step 224 (Dunn 12:22-30). Although the Dunn reference discloses specifying criteria for a search (Dunn 12:22-30) the selectable criteria including star name, category type, etc.; the Dunn reference is silent as to whether multiple criteria can be chosen to facilitate searching, searching for modules that are not broadcast responsive to user request. Now note the Turner reference that discloses a

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television system wherein “[t]he user’s query is sent to a server 8 located at broadcast station 6... The server 8 then searches EPG and/or closed caption databases 12 and 14 respectively for matches to the determined criteria” (Turner [0026]), the query may comprise multiple criteria and “the information returned may include...the channel on which the programme is to be shown” (Turner [0028]). Therefore, the examiner submits that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Dunn search criteria including new releases with the Turner multiple search criteria for the purpose of providing a more closely tailored search so that programs of interest may be quickly identified, such as narrowing a search of the new releases to identify new releases of a certain genre or with specific stars. However, the Dunn reference does not specifically disclose wherein previews comprising associated module numbers to facilitate retrieval. Now note the Zahorjan et al. reference that discloses bandwidth reduction of on-demand streaming data using flexible merger hierarchies. The claimed “at least one of said modules having an associated module number” is met by stream numbers associated with data transmissions (Zahorjan 8:6-11, also see Figure 4. The Zahorjan et al. reference also discloses receiving a request at the server and identifying a qualifying module number which corresponds to the search criteria wherein “[b]ecause, a previous request for the same program is being concurrently processed at process block 64, and may be caught, the second request is placed in hierarchy 100 of FIG. 8a with the first request” (Zahorjan 7:49-52) “...a control message is sent to receiver 30’ (received as indicated by process block 67 of FIG. 7) specifying the streams 80 and 82 that receiver 30’ should listen to” (Zahorjan 8:8-11). The claimed “receive from said server a qualifying module number” and “retrieve a first module of said modules, in response to matching the received qualifying module number to

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said first module” is met by “...a control message is sent to receiver 30’ (received as indicated by process block 67 of FIG. 7) specifying the streams 80 and 82 that receiver 30’ should listen to” (Zahorjan 8:8-11) and “the receiver responds 30’ to this control message by listening to the data streams 80 and 82 and recording some part of them per process block 69” (Zahorjan 8:8-11). Therefore, the examiner submits that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Dunn and Turner combination teaching the searching of modules not are not broadcast responsive to a receiving station request such as searching for certain criteria within new releases and the presentation of previews with the Zahorjan et al. identification of data streams [modules] for stream tapping for the purpose of conserving bandwidth while providing preview services to system users. Note the claimed “said number corresponding to the search criteria” is met by the Dunn, Turner, and Zahorjan et al. combination as discussed above wherein a user submits a search to a user and the server identifies a data stream [module] which corresponds to the search criteria for stream tapping.

As to claim 17, the claimed “display information corresponding to the first module on a display associated with said client device” is met by “the previews of the requested set of programs are displayed on the TV set” (Dunn 12:46-47). The claimed “generate a video request based upon said displayed information” and “send said video request to said server” is met by “[o]nce the viewer settles on a particular program and orders it (i.e., the ‘yes’ branch from step 240), the STB transmits the program moniker to the headend (step 242)” (Dunn 13:3-5). The claimed “receive a video corresponding to said video request from the sever, is response to said request” is met by upon user request “[t]he CMS database is accessed using the moniker to

retrieve the full length video content program (step 244), which is then transmitted back to the STB” (Dunn 13:6-8).

As to claim 18, note the Dunn reference that discloses a system for previewing video trailers. The claimed “a database” and “a server coupled to said database” are met by “[h]eadend 22 includes a continuous media server 40 which has a program and trailer storage 42” (Dunn 5:24-27) and database server 44 (Dunn 5:59). The claimed “wherein said server is configured to: broadcast a plurality of modules to a plurality of client devices” is met by “is met by the transmission of a plurality of previews to users (Dunn 12:41-51). The claimed “wherein said plurality of modules are not broadcast responsive to a client request” is met by “[w]hen the STB tunes to the VOD channel, a continuous loop of ‘new releases’ trailers are immediately displayed” (Dunn 6:58-65). The claimed “receive search criteria from one of said client devices” is met by “[i]f the viewer wishes to select a new group of programs, the viewer can actuate the ‘choices’ button 78 to pull up various lists of criteria (e.g., star name, title, viewer list, etc.). From the one or more lists, the viewer actively specifies a criteria to select a group of programs (step 222). The criteria is transmitted from the STB to the headend (step 224)” (Dunn 12:24-30). wherein ‘choices’ also includes new releases (Dunn 7:23-25). The claimed “subsequent to said broadcasting” is met by the new releases trailers broadcasted and displayed to the user prior to the selection of criteria to be transmitted from the STB to the headend at step 224 (Dunn 12:22-30). Although the Dunn reference discloses specifying criteria for a search (Dunn 12:22-30) the selectable criteria including star name, category type, etc.; the Dunn reference is silent as to whether multiple criteria can be chosen to facilitate searching, searching for modules that are not broadcast responsive to user request. Now note the Turner reference that discloses a television

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system wherein “[t]he user’s query is sent to a server 8 located at broadcast station 6... The server 8 then searches EPG and/or closed caption databases 12 and 14 respectively for matches to the determined criteria” (Turner [0026]), the query may comprise multiple criteria and “the information returned may include... the channel on which the programme is to be shown” (Turner [0028]). Therefore, the examiner submits that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Dunn search criteria including new releases with the Turner multiple search criteria for the purpose of providing a more closely tailored search so that programs of interest may be quickly identified, such as narrowing a search of the new releases to identify new releases of a certain genre or with specific stars. However, the Dunn reference does not specifically disclose wherein previews comprising associated module numbers to facilitate retrieval. Now note the Zahorjan et al. reference that discloses bandwidth reduction of on-demand streaming data using flexible merger hierarchies. The claimed “at least one of said modules having an associated module number” is met by stream numbers associated with data transmissions (Zahorjan 8:6-11, also see Figure 4. The Zahorjan et al. reference also discloses receiving a request at the server and identifying a qualifying module number which corresponds to the search criteria wherein “[b]ecause, a previous request for the same program is being concurrently processed at process block 64, and may be caught, the second request is placed in hierarchy 100 of FIG. 8a with the first request” (Zahorjan 7:49-52) “...a control message is sent to receiver 30’ (received as indicated by process block 67 of FIG. 7) specifying the streams 80 and 82 that receiver 30’ should listen to” (Zahorjan 8:8-11). The claimed ““send the qualifying module number to the client device” is met by “...a control message is sent to receiver 30’ (received as indicated by process block 67 of FIG. 7)

specifying the streams 80 and 82 that receiver 30' should listen to" (Zahorjan 8:8-11) and "the receiver responds 30' to this control message by listening to the data streams 80 and 82 and recording some part of them per process block 69" (Zahorjan 8:8-11). Therefore, the examiner submits that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Dunn and Turner combination teaching the searching of modules not are not broadcast responsive to a receiving station request such as searching for certain criteria within new releases and the presentation of previews with the Zahorjan et al. identification of data streams [modules] for stream tapping for the purpose of conserving bandwidth while providing preview services to system users. Note the claimed "identifying a qualifying module number corresponding to the search criteria" is met by the Dunn, Turner, and Zahorjan et al. combination as discussed above wherein a user submits a search to a user and the server identifies a data stream [module] which corresponds to the search criteria for stream tapping. The claimed "receive a video request from said client device" is met by "[o]nce the viewer settles on a particular program and orders it (i.e., the 'yes' branch from step 240), the STB transmits the program moniker to the headend (step 242)" (Dunn 13:3-5). The claimed "said request being based upon information corresponding to the qualifying module" is met by the Dunn, Turner, and Zahorjan et al. combination as discussed in above wherein the requested program is associated with the previews (Dunn 12:66-13:10). The claimed "retrieve a video corresponding to said video request from said database, in response to said request; and convey said retrieved video to said client" is met by "[t]he CMS database is accessed using the moniker to retrieve the full length video content program (step 244), which is then transmitted back to the STB" (Dunn 13:6-8).

As to claims 20-22, please see rejections of claims 1-3 respectively wherein it is inherent that the headend server and set top box (4:45-62) utilize machine readable code for operation.

4. Claims 4 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dunn (US 6,668,377 B1 of record) in further view of Turner (US 2002/0059608 A1), Zahorjan et al. (US 6,859,839 of record), and Kimble (US 2002/0016969 A1 of record).

As to claim 4, the Dunn and Zahorjan et al. combination teaches providing video on demand. However, the Dunn and Zahorjan et al. combination does not teach the process for which such video is transmitted to the user. Now note the Kimble reference that discloses a media on demand system and method. The claimed “inserting the requested video in a designated channel location in a broadcast; sending the designated channel location from the server to the client device; and using the designated channel location to retrieve the requested video from the broadcast at the client device” is met by “[t]he VOD server may also dynamically allocate a channel for the VOD event and includes an indicator of the same in the VOD event file” wherein the set top box uses the VOD event file to receive the VOD event (paragraph 0011). Therefore, the examiner submits that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the VOD event file as taught by Kimble in the Dunn and Zahorjan et al. combination for the purpose of providing bandwidth to transmit such information from a server to a user.

As to claim 12, the Dunn and Zahorjan et al. combination teaches providing video on demand. However, the Dunn and Zahorjan et al. combination does not teach the process for which such video is transmitted to the user. Now note the Kimble reference that discloses a media on demand system and method. The claimed “wherein said server is further configured to

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insert the requested video in a designated channel location in a broadcast and send the designated channel location to the receiving station, and wherein the receiving station is further configured to use the designated channel location to retrieve the requested video from the broadcast” is met by “[t]he VOD server may also dynamically allocate a channel for the VOD event and includes an indicator of the same in the VOD event file” wherein the set top box uses the VOD event file to receive the VOD event (paragraph 0011). Therefore, the examiner submits that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the VOD event file as taught by Kimble in the Dunn and Zahorjan et al. combination for the purpose of providing bandwidth to transmit such information from a server to a user.

5. Claims 5 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dunn (US 6,668,377 B1 of record) in further view of Turner (US 2002/0059608 A1), Zahorjan et al. (US 6,859,839 of record), and Lett et al. (US 5,592,551 of record).

As to claim 5, the Dunn and Zahorjan et al. combination teaches providing video on demand. However, the Dunn and Zahorjan et al. combination does not show the process for which such video is transmitted to the user. Now note the Lett et al. reference that discloses a method and apparatus for providing interactive electronic programming guide. The claimed “sending a broadcast time for the requested video to the client device; inserting the requested video in a broadcast at the broadcast time; and retrieving the video from the broadcast at the client device at the broadcast time” are met by user purchasing a pay per view program including a security number feature, the user can then wait for the program to begin or view other programs wherein the terminal may automatically tune to the even when it begins (columns 12-13). Therefore, the examiner submits that it would have been obvious to one of ordinary skill in

the art at the time the invention was made to modify (if necessary) the timing information as taught by Lett et al. in the Dunn and Zahorjan et al. combination video upon user request for the purpose of providing content to a group of users wherein bandwidth to transmit such information from a server to a user may be conserved.

As to claim 13, the Dunn and Zahorjan et al. combination teaches providing video on demand. However, the Dunn and Zahorjan et al. combination does not show the process for which such video is transmitted to the user. Now note the Lett et al. reference that discloses a method and apparatus for providing interactive electronic programming guide. The claimed “wherein the server is further configured to send a broadcast time for the requested video to the client device and insert the requested video in a broadcast at the broadcast time; and wherein the receiving station is further configured to retrieve the video from the broadcast at the broadcast time” are met by user purchasing a pay per view program including a security number feature, the user can then wait for the program to begin or view other programs wherein the terminal may automatically tune to the even when it begins (columns 12-13). Therefore, the examiner submits that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify (if necessary) the timing information as taught by Lett et al. in the Dunn and Zahorjan et al. combination video upon user request for the purpose of providing content to a group of users wherein bandwidth to transmit such information from a server to a user may be conserved.

6. Claims 8, 9, 15, 19, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dunn (US 6,668,377 B1 of record) in further view of Turner (US 2002/0059608 A1), Zahorjan et al. (US 6,859,839 of record), and Ohyama (US 2002/0133826 A1 of record).

As to claim 8, note the Dunn and Zahorjan et al. combination teaches all the limitations of claim 1. However, the Dunn and Zahorjan et al. combination is silent as to advertising. Now note the Ohyama reference that discloses a video-on-demand system and content searching method for the same. The claimed “further comprising sending a selected advertisement associated with said search request to the client device” is met by “[i]t is possible for the server 107, in addition to search results, to cause display of advertisements linked to the searched for keyword” (Ohyama [0049]). Therefore, the examiner submits that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Dunn and Zahorjan et al. combination with the Ohyama advertisements for the purpose of providing a means for the service provider to obtain advertising income, additional income (Ohyama [0048]).

As to claim 9, the claimed “wherein said advertisement comprises a video.” Note the Dunn, Zahorjan et al. and Ohyama combination discloses an advertisement. However, the Dunn, Zahorjan et al. and Ohyama combination is silent as to whether or not the advertisement is a video. Nevertheless, the examiner gives Official Notice that video advertisements are notoriously well known in the art and are presented to the user for the purpose of providing a more entertaining format so as to attract a users attention. Therefore, the examiner submits that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Dunn, Zahorjan et al. and Ohyama combination accordingly for the above stated advantage.

As to claim 15, note the Dunn and Zahorjan et al. combination teaches all the limitations of claim 10. However, the Dunn and Zahorjan et al. combination is silent as to advertising. Now note the Ohyama reference that discloses a video-on-demand system and content searching

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method for the same. The claimed “identify an advertisement associated with the search request; and send the advertisement to the receiving station” is met by “[i]t is possible for the server 107, in addition to search results, to cause display of advertisements linked to the searched for keyword” (Ohyama [0049]). Therefore, the examiner submits that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Dunn and Zahorjan et al. combination with the Ohyama advertisements for the purpose of providing a means for the service provider to obtain advertising income, additional income (Ohyama [0048]).

As to claim 19, note the Dunn and Zahorjan et al. combination teaches all the limitations of claim 18. However, the Dunn and Zahorjan et al. combination is silent as to advertising. Now note the Ohyama reference that discloses a video-on-demand system and content searching method for the same. The claimed “identify an advertisement associated with the received search criteria; retrieve the advertisement from the database; and sending the advertisement to the client device” is met by “[i]t is possible for the server 107, in addition to search results, to cause display of advertisements linked to the searched for keyword” (Ohyama [0049]) wherein advertisements are retrieved from the server [database]. Therefore, the examiner submits that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Dunn and Zahorjan et al. combination with the Ohyama advertisements for the purpose of providing a means for the service provider to obtain advertising income, additional income (Ohyama [0048]).

As to claim 23, please see rejection of claim 8.

Conclusion

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7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The Rodriguez et al. reference (US 2004/0133907 A1) discloses adaptive scheduling and delivery of television services disclosing “three types of digital transport channels illustrated in FIG. 2 include broadcast digital transmission channels 64, carousel digital transmission channels 68, and on-demand transmission channels 72” ([0031]) wherein “[t]he carousel DTCs 68 typically carry high-volume broadcast data, such as EPG data, VOD Catalog data and program data, that is systematically updated and revised” ([0033]).

The Zenoni reference (US 2004/0034873 A1) discloses an event driven interactive television notification system wherein the user transmits criteria to an ENS ([0021]) and “if a match is made between the stored event data 113, that is stored in event data database 112 and the stored user preferences database 114, then the event notification server 102 creates an event notification trigger (ENT) 141. The ENT 141 may comprise data, including the event that caused the trigger, the threshold that was met, and links including optional links...Links may include a link to stored video 136, such as a video clip supplied by the content provider, a link to a web page, which may comprise an enhanced web page, and/or a link or switch to an alternate television channel” ([0026]).

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO**

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MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Johnny Ma whose telephone number is (571) 272-7351. The examiner can normally be reached on 8:00 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on (571) 272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

jm



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PRIMARY EXAMINER